

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 15-CR-8

MICHAEL ENEA,

Defendant.

COURT MINUTES
HONORABLE CHARLES N. CLEVERT, JR., PRESIDING

Date: July 15, 2015

Proceeding: Sentencing

Start Time: 9:38:31 a.m. End Time: 11:39:00 a.m.

Court Reporter: Sheryl Stawski Deputy Clerk: Kris Wilson

Appearances: Plaintiff: Assistant U.S. Attorney Matthew L. Jacobs
Defendant: Michael Enea with Attorney Franklyn M. Gimbel
USPO: Daniel Dragolovich

Disposition: The court sentences the defendant to a concurrent term of 24 months imprisonment followed by 3 years supervised release as to the two-count Information. The conditions of supervised release are imposed for the reasons set forth in the Presentence Report and as agreed to on the record, including an obligation to pay restitution in the amount of \$756,641.36. See Judgment.

The court permits the defendant to self-surrender for service of sentence as directed by Pretrial Services after October 31, 2015.

The defendant does not want the clerk to file a notice of appeal on his behalf.

Notes: The parties have no objections to the facts and the proposed guideline calculation in the addendum to the PSR. The government moves for a third point for acceptance of responsibility.

The court grants the government's motion and adopts the facts in the

PSR as its findings of fact as well as the advisory guideline application set forth in the addendum.

The court hears from James Sparato and Dominic LaLicata.

The government recommends a sentence within the advisory guideline range. There is a need to punish and deter others. The defendant committed a Ponzi scheme over 5 years and fraudulently obtained monies from a number of family friends.

The defense asks for a sentence of 1 year and 1 day.

The court hears defendant's allocution.

The court discusses the seriousness of the offense. There are long-term consequences which flow from this criminal activity. The court acknowledges that the defendant has accepted responsibility for his offense, has signed an agreement with the SEC, and that he fully intends to make full restitution. The court cannot and should not impose a sentence that is greater than necessary. The court must look at the guidelines, the purposes of sentencing, and take into account that a sentence too great or too lenient will undercut respect for the law. The court must also consider the ongoing impact on the victims and deter others, especially those with whom there is a trusting relationship, from committing fraud. The court imposes a concurrent sentence of 24 months imprisonment and 3 years supervised release. Hearing no objection, the court adopts the conditions of supervision as set forth in the PSR.

The court advises the defendant of his right to appeal. The defendant will confer with his attorney who shall advise the court in writing on whether or not he will be filing an appeal.